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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Chin et al.**

Title: **INTERFACE FOR PROVIDING DIFFERENT-LANGUAGE VERSIONS
OF MARK-UP-LANGUAGE RESOURCES**

Filing Date: **09/25/1998**

Serial No: **09/161,073**

Examiner: **BASHORE, William L.**

Art Unit: **2176**

**Box DAC
Honorable Commissioner for Patents
Washington, D.C. 20231**

RECEIVED

FEB 28 2003

OFFICE OF PETITIONS

Attn.: Office of Petitions

**PETITION FROM AN ACTION OF THE EXAMINER RECEIVED
(37 C.F.R. 1.181)**

Sir:

MAR 03 2003

Technology Center 2100

Petition (37 C.F.R. 1.181(a)(1)):

Applicant hereby petitions the Commissioner from an action of the Examiner in the *ex parte* prosecution of this application.

Fee (37 C.F.R. 1.17(h) and 1.181(d)):

Enclosed please find a check for \$130.00 as appropriate payment for this petition.

The Commissioner is hereby also authorized to charge any additional fees which may be required or to credit any overpayment of fees in this matter to our deposit account number 08-3240.

Applicant urges that this petition is only necessary due to an error on the part of the

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

FEB. 21, 2003
(Date)

Patricia Beil
(Signature of person mailing paper)

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PATRICIA BEILMANN
(Typed or printed name of person mailing paper)

Office, specifically the Examiner, and that this payment for petition should appropriately be refunded.

Statement of facts (37 C.F.R. 1.181(b)):

We urge that the Examiner in this case has speciously, repeatedly rejected claims based upon obtuse interpretations not supported by conventional usage and meaning in the English language. Furthermore, we urge that the Examiner has also refused to propose or accept any substitute terminology, and thus permit substantive prosecution in this case to move forward. We submit that this is error, and in support of this we note the following.

Claims 3, 11, and 21 were rejected over art of record in the action dated 05/21/2002. In a telephone interview on 07/15/2002 the Examiner expressed an understanding of how Applicant felt the claimed invention is distinguishable, but indicated that he needed to consider further if he was in agreement with this. In particular, despite an invitation to propose language of his own that would be acceptable to express the distinction, the Examiner indicated tentative approval of Applicant's use of the term "unambiguously" (used in a draft Response faxed in before the interview). [NB, the Examiner's record of the interview wrongly indicates that it took place on 07/16/2002. It occurred on 07/15/2002 and Applicant's formal Response was submitted later that same day.]

On 07/15/2002 Applicant submitted a Response with an amendment including the term "unambiguously." And in the Action dated 10/22/2002, the Examiner rejected claims 3, 11, and 21 under 35 U.S.C. 112, second paragraph as being "*vague and indefinite*" because "*'unambiguously' is a subjective word.*" The Examiner thus essentially held the word "unambiguously" to be ambiguous. [NB: Webster's II, New Riverside University Dictionary, 1984, Houghton Mifflin Company defines "ambiguous" as "*1. Liable to more than one interpretation. 2. Uncertain or indefinite.*"]

On 12/20/2002 Applicant submitted a Response with remarks objecting to the Examiner's position, and submitting a new set of amendments in a "*responsive spirit.*" The Version With Markings To Show Changes Made in the 12/20/2002 Response (copy enclosed), shows how Applicant struck the term "unambiguously" in favor of the terms "always" and "same." However, in the Advisory Action dated 01/15/2003 the Examiner rejected entry of these amendments.

Respectfully, the Examiner's action here has gone beyond zealous prosecution, and has inappropriately served only to confuse and delay resolution of the true issues in this case. Applicant has now filed an appeal and we respectfully ask for a favorable decision of this petition to put the case into appropriate condition for the Board to be able to focus on the substantive issues there related to patentability.

Timeliness (37 C.F.R. 1.181(f)):

Applicant urges that this petition is timely because it is being submitted within two months from the action being complained of, which was taken in an Advisory Action dated 01/15/2003.

Action requested (37 C.F.R. 1.181(b)):

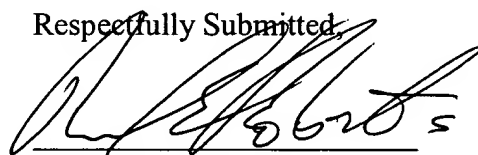
Applicant respectfully requests that the Examiner be required to enter the amendments in Applicant's Response dated 12/20/2002.

Applicant also respectfully requests that its payment for this petition be refunded.

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Respectfully Submitted



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Version with markings to show changes made.



3. (Four times amended) A user interface, comprising:

a markup-language encoded template having a replacement variable within; and
a plurality of resource files containing data for replacing said replacement variable, said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality of said resource files containing an idiomatically-correct predefined passage of text in a different language such that said replacement variable will always be [unambiguously] replaced with a respective said passage of text governed by the selection of a particular one of said resource files.

11. (Three times amended) A method for constructing a web based user interface, comprising:

providing an HTML template to a server, said HTML template including at least one variable;

providing a plurality of data files to the server, each of said data files having therein a different language data portion corresponding to said variable, the data portion comprising idiomatically-correct predefined content;

selecting one of said plurality of data files; and

constructing an HTML encoded user interface file by [unambiguously] always substituting the same data portion from the selected one of said plurality of data files into said HTML template to replace said variable.

21. (Four times amended) A computer program product comprising a computer usable medium having a computer readable code embodied thereon configured to operate on a computer, comprising:

a markup-language encoded template having a replacement variable within; and

a plurality of resource files containing data for replacing said replacement variable, said replacement variable being selectively replaced by data from a selected one of said resource files, each of the plurality of said resource files containing an idiomatically-correct predefined passage of text in a different language such that said replacement variable will always be [unambiguously] replaced with a respective said passage of text governed by the selection of a particular one of said resource files.